

SECOND REGULAR SESSION  
HOUSE COMMITTEE SUBSTITUTE FOR  
**HOUSE BILL NO. 1809**  
**96TH GENERAL ASSEMBLY**

5935L.04C

D. ADAM CRUMBLISS, Chief Clerk

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**AN ACT**

To repeal sections 64.170, 67.280, and 161.365, RSMo, and to enact in lieu thereof five new sections relating to incorporation of building codes and cleaning supplies for state buildings.

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*Be it enacted by the General Assembly of the state of Missouri, as follows:*

Section A. Sections 64.170, 67.280, and 161.365, RSMo, are repealed and five new sections enacted in lieu thereof, to be known as sections 8.865, 64.170, 67.280, 160.2150, and 161.365, to read as follows:

**8.865. 1. Beginning October 1, 2013, all state facilities shall establish a "green" cleaning policy and exclusively purchase and use environmentally-sensitive cleaning products that meet the guidelines and specifications of subsection 2 of this section. Such state facilities may, however, deplete its existing cleaning and maintenance supply stocks and implement the new requirements in the procurement cycle for the following year if economically feasible. For purposes of this section, adopting a green cleaning policy is not economically feasible if such adoption would result in an increase in the cleaning costs. Costs associated with training and staff development shall not be included.**

**2. The office of administration shall, in consultation with the department of health and senior services, and a panel of interested stakeholders, including cleaning product industry representatives, nongovernmental organizations, and others, establish and amend on an annual basis guidelines and specifications for green cleaning programs, including environmentally sensitive cleaning and maintenance products, paper product purchases, and equipment purchases for cleaning programs. The office of administration shall provide multiple avenues by which cleaning products may be determined to be environmentally sensitive under the guidelines. Guidelines and specifications shall be**

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

17 established after a review and evaluation of existing research and shall be completed no  
18 later than January 1, 2013. Guidelines and specifications may include implementation  
19 practices, including inspection. The completed guidelines and specifications shall be posted  
20 on the office of administration's official website.

21 3. As used in this section, "state facilities" means any state building managed by  
22 the office of administration.

23 4. The office of administration may promulgate rules and regulations necessary to  
24 carry out the provisions of this section. Any rule or portion of a rule, as that term is  
25 defined in section 536.010, that is created under the authority delegated in this section shall  
26 become effective only if it complies with and is subject to all of the provisions of chapter  
27 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and  
28 if any of the powers vested with the general assembly pursuant to chapter 536 to review,  
29 to delay the effective date, or to disapprove and annul a rule are subsequently held  
30 unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted  
31 after August 28, 2012, shall be invalid and void.

64.170. 1. For the purpose of promoting the public safety, health and general welfare,  
2 to protect life and property [and] , to prevent the construction of fire hazardous buildings, **and**  
3 **to promote energy efficiency**, the county commission in all counties [of the first and second  
4 classification], as provided by law, is for this purpose empowered, subject to the provisions of  
5 subsections 2 and 3 of this section, to adopt by order or ordinance regulations to control the  
6 construction, reconstruction, alteration or repair of any building or structure and any electrical  
7 wiring or electrical installation, plumbing or drain laying therein, and provide for the issuance  
8 of building permits and adopt regulations licensing persons, firms or corporations other than  
9 federal, state or local governments, public utilities and their contractors engaged in the business  
10 of electrical wiring or installations and provide for the inspection thereof and establish a schedule  
11 of permit, license and inspection fees and appoint a building commission to prepare the  
12 regulations, as herein provided.

13 2. Any county which has not adopted a building code prior to August 28, 2001, pursuant  
14 to sections 64.170 to 64.200, shall not have the authority to adopt a building code pursuant to  
15 such sections unless the authority is approved by voters, subject to the provisions of subsection  
16 3 of this section.

17 The ballot of submission for authority pursuant to this subsection shall be in substantially the  
18 following form:

19 Shall ..... (insert name of county) have authority to create, adopt  
20 and impose a county building code?

21 ☐ YES

☐ NO

22           3. The proposal of the authority to adopt a building code shall be voted on only by voters  
23 in the area affected by the proposed code, such that a code affecting a county shall not be voted  
24 upon by citizens of any incorporated territory.

67.280. 1. As used in this section, the following terms mean:

2           (1) "Code", any [published compilation of rules prepared by various technical trade  
3 associations, federal agencies, this state or any agency thereof, but shall be limited to:  
4 regulations concerning the construction of buildings and continued occupancy thereof;  
5 mechanical, plumbing, and electrical construction; and fire prevention] **of the following codes**  
6 **as published by the International Code Council that may include but not be limited to the**  
7 **latest version:**

- 8           (a) **The International Building Code;**
- 9           (b) **The International Residential Code;**
- 10          (c) **The International Fire Code;**
- 11          (d) **The International Plumbing Code;**
- 12          (e) **The International Mechanical Code;**
- 13          (f) **The International Fuel Gas Code;**
- 14          (g) **The International Energy Conservation Code; and**
- 15          (h) **The International Property Maintenance Code;**
- 16          (2) "Community", any county, fire protection district or municipality;
- 17          (3) "County", any county in the state;
- 18          (4) "Fire protection district", any fire protection district in the state;
- 19          (5) "Municipality", any incorporated city, town or village.

20          2. Any community, if the community otherwise has the power under the law to adopt  
21 such an ordinance, may adopt or repeal an ordinance which incorporates by reference the  
22 provisions of any code or portions of any code, or any amendment thereof, properly identified  
23 as to date and source, without setting forth the provisions of such code in full. At least one copy  
24 of such code, portion or amendment which is incorporated or adopted by reference, shall be filed  
25 in the office of the clerk of the community and there kept available for public use, inspection,  
26 and examination. The filing requirements herein prescribed shall not be deemed to be complied  
27 with unless the required copies of such codes, portion, or amendment or public record are filed  
28 with the clerk of such community for a period of ninety days prior to the adoption of the  
29 ordinance which incorporates such code, portion, or amendment by reference.

30          3. Any ordinance adopting a code, portion, or amendment by reference shall state the  
31 penalty for violating such code, portion, or amendment, or any provisions thereof separately, and  
32 no part of any such penalty shall be incorporated by reference.

**160.2150. 1. All public elementary and secondary school districts shall conduct energy audits and report the results of such audits to the office of administration. The results of the audit shall be shared with the local school board and be accessible to the public.**

**2. (1) Each year twenty percent of public elementary and secondary school districts in this state shall have a professional audit performed until each public school district has been professionally audited. The office of administration, in consultation with the public school districts, shall determine which public schools are to perform a professional audit for that particular year. Public school districts may attempt to have an audit conducted free of charge based on contract negotiations under section 8.231 and, if no such audit is possible, may request funding from the energy audit fund in order to hold a professional audit. The office of administration may waive the professional audit requirements of this section if funding is unavailable from any source, and may also waive the professional audit requirement for buildings less than five years old or which have been audited within the last five years.**

**(2) Years in which such public schools do not have a professional audit the public schools shall conduct a self audit. Any public elementary or secondary school conducting a self audit may utilize the programs offered by Energy Star via its internet website. Each public school shall appoint a person to keep track of such data and submit annual results to the office of administration.**

**3. There is hereby created in the state treasury the "Energy Audit Fund", which shall consist of money appropriated to it by the general assembly. The state treasurer shall be custodian of the fund and shall approve disbursements from the fund in accordance with sections 30.170 and 30.180. Subject to appropriations, money in the fund shall be used solely for the administration of this section. Notwithstanding the provisions of section 33.080 to the contrary, any moneys remaining in the fund at the end of the biennium shall not revert to the credit of the general revenue fund. The state treasurer shall invest moneys in the fund in the same manner as other funds are invested. Any interest and moneys earned on such investments shall be credited to the fund.**

**4. Under section 23.253 of the Missouri sunset act:**

**(1) The provisions of the new program authorized under this section shall automatically sunset six years after the effective date of this section unless reauthorized by an act of the general assembly; and**

**(2) If such program is reauthorized, the program authorized under this section shall automatically sunset twelve years after the effective date of the reauthorization of this section; and**

37           **(3) This section shall terminate on September first of the calendar year immediately**  
38 **following the calendar year in which the program authorized under this section is sunset.**

161.365. 1. **Beginning in school year 2013-14, school districts shall establish a**  
2 **"green" cleaning policy and exclusively purchase and use environmentally-sensitive**  
3 **cleaning products that meet the guidelines and specifications of subsection 3 of this section.**  
4 **A district may, however, deplete its existing cleaning and maintenance supply stocks and**  
5 **implement the new requirements in the procurement cycle for the following school year.**

6           **2. If a district determines that adopting a green cleaning policy is not economically**  
7 **feasible as defined in this subsection, the district shall provide annual written notification**  
8 **to the department of elementary and secondary education, on a form provided by the**  
9 **department, that the development and implementation of a green cleaning policy is not**  
10 **economically feasible, until such time that it is determined to be economically feasible. For**  
11 **purposes of this section, adopting a green cleaning policy is not economically feasible if**  
12 **such adoption would result in an increase in the cleaning costs of the district. In**  
13 **calculating cleaning costs, districts shall not include costs associated with training and staff**  
14 **development.**

15           **3. The department of elementary and secondary education shall, in consultation with the**  
16 **department of health and senior services, and a panel of interested stakeholders, including**  
17 **cleaning product industry representatives, nongovernmental organizations, and others, establish**  
18 **and amend on an annual basis guidelines and specifications for green cleaning programs,**  
19 **including environmentally sensitive cleaning and maintenance products, paper product**  
20 **purchases, and equipment purchases for cleaning programs. The department shall provide**  
21 **multiple avenues by which cleaning products may be determined to be environmentally sensitive**  
22 **under the guidelines. Guidelines and specifications shall be established after a review and**  
23 **evaluation of existing research and shall be completed no later than February 24, 2009.**  
24 **Guidelines and specifications may include implementation practices, including inspection. The**  
25 **completed guidelines and specifications shall be posted on the department of elementary and**  
26 **secondary education's official website.**

27           **[2.] 4. Upon completion of the guidelines and specifications required under subsection**  
28 **1 of this section, the department of elementary and secondary education shall provide each**  
29 **district with a printed copy of the guidelines and specifications. Each district shall then**  
30 **immediately disseminate the guidelines and specifications to every school in the district. In the**  
31 **event the guidelines and specifications are updated by the department of elementary and**  
32 **secondary education, the department shall provide the updates to each district for immediate**  
33 **dissemination to each school. Additionally, the department of elementary and secondary**  
34 **education shall post all updated materials on the department's official website.**

35           [3.] 5. The department of elementary and secondary education may promulgate rules and  
36 regulations necessary to carry out the provisions of this section. Any rule or portion of a rule,  
37 as that term is defined in section 536.010, that is created under the authority delegated in this  
38 section shall become effective only if it complies with and is subject to all of the provisions of  
39 chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable  
40 and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to  
41 delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional,  
42 then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2008,  
43 shall be invalid and void.

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